

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

COAST TO COAST TITLE, LLC, SOL	\$
CITY TITLE, LLC, MAGNOLIA TITLE	\$
ARKANSAS, LTD., MAGNOLIA TITLE	\$
FLORIDA, LLC, THE PEABODY BULLDOG,	\$
LLC, AND JOHN MAGNESS	\$

Plaintiffs

V.

CIVIL ACTION NO.: 4:24-cv-02767

TYRELL L. GARTH, PHILLIP H. \$
CLAYTON, DEBBIE MERRITT A/K/A \$
DEBORAH MERRITT, MATTHEW D. HILL, \$
CHARLES BURNS, P. GARRETT CLAYTON, \$
SCOTT M. REEVES, ARIANE E. YOUNG, \$
TINGLEMERRITT, LLP, STARREX TITLE \$
FLORIDA, LLC, LAURIE COOPER, \$
MARKETSTREET CAPITAL PARTNERS, LLC, \$
MARKETSTREET CAPITAL PARTNERS AR, \$
LLC AND BRIAN A. BREWER \$

Defendants.

DEFENDANT TYRRELL L. GARTH'S NOTICE OF REMOVAL

Defendant Tyrrell L. Garth, misspelled as Tyrell L. Garth, files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 as follows:

I. PROCEDURAL BACKGROUND

1. On June 3, 2024, Plaintiffs Coast to Coast Title, LLC, Sol City Title, LLC, Magnolia Title Arkansas, Ltd., Magnolia Title Florida, LLC, The Peabody Bulldog, LLC and John Magness (“Plaintiffs”) filed their Original Petition initiating an action against Defendants Tyrell L. Garth, Phillip H. Clayton, Debbie Merritt a/k/a Deborah Merritt, Matthew D. Hill, Charles Burns, P. Garrett Clayton, Scott M. Reeves, Ariane E. Young, TingleMerritt, LLP, Starrex Title Florida, LLC, Laurie Cooper, Marketstreet Capital Partners, LLC, Marketstreet

Capital Partners AR, LLC, and Brian A. Brewer in Cause No. 2024-34589, in the 11th Judicial District Court of Harris County, Texas (the “State Court Action”).

2. Defendant filed its Original Answer to Plaintiffs’ Original Petition on July 24, 2024.

II. NATURE OF THE SUIT

3. Plaintiffs brings claims against Defendants alleging violations of the Lanham Act, 15 U.S.C. §§ 1051 et seq., violations of Securities Exchange Act of 1934, particularly Section 10(b) and Rule 10b-5, as well as relevant provisions of the Sarbanes-Oxley Act of 2002, negligence, fraud, breach of contract, breach of fiduciary duty, fraud based on common law forgery, tortious interference, conversion, violation of Section 134A.002(3) of the Texas Uniform Trade Secrets Act, unjust enrichment, common law misappropriation and violation of Tex. Civ. Prac. & Rem. Code Chapter 16, business disparagement and injurious falsehood, conspiracy, and fraudulent inducement. Plaintiffs seek monetary damages, including but not limited to treble damages, treble mental anguish damages, exemplary damages, pre- and post-judgment interest, attorneys’ fees and cost of courts.

III. BASIS FOR REMOVAL

4. The Court has subject matter jurisdiction over this lawsuit based upon federal question jurisdiction. 28 U.S.C. §§ 1331, 1441(a). Federal questions jurisdiction exists in a civil matter when a claim arises “under the Constitution, law or treaties of the United States.” *Id.* § 1331.

5. Federal question jurisdiction has been invoked in this case because Plaintiffs’ Petition alleges that the Defendants are liable for violation of the Lanham Act (15 U.S.C. §§ 1051 et seq) and the Securities Exchange Act of 1934, particularly Section 10(b) and Rule 10b-5,

as well as relevant provisions of the Sarbanes-Oxley Act of 2002, which are both federal statutes. *See* Plaintiffs' Pet. at paragraphs 416 to 424 and paragraphs 431 to 436, attached as Exhibit B.

6. In addition to exercising jurisdiction over Plaintiffs' cause of action, this Court also has supplemental jurisdiction over Plaintiffs' state law claims that arise out of Defendants' alleged violations. *See* 28 U.S.C. § 1367(a).

IV. REMOVAL IS PROCEDURALLY CORRECT

7. This Notice of Removal is filed within the 30-day statutory time period pursuant to 28 U.S.C. §1446. This notice is timely under 28 U.S.C. § 1446(b)(1).

8. Pursuant to 28 U.S.C. §1446(a) and Local Rule 81, all pleadings, process orders, and all other filings in the State Court Action are attached to this Notice. Copies of the pleadings filed in the State Court Action are as follows:

- Exhibit A – The Index of Matters Being Filed;
- Exhibit B – Plaintiffs' Original Petition;
- Exhibit C – Defendants Starrex Title Florida, LLC, Marketstreet Capital Partners, LLC, Marketstreet Capital Partners AR, LLC and Brian A. Brewer's Original Answer;
- Exhibit D – Defendant Laurie Cooper's Special Appearance Motion to Challenge Jurisdiction;
- Exhibit E – Defendant Laurie Cooper's Original Answer (Subject to Special Appearance);
- Exhibit F – Defendants Starrex Title Florida, LLC, Marketstreet Capital Partners, LLC, Marketstreet Capital Partners AR, LLC and Brian A. Brewer's First Amended Original Answer;
- Exhibit G – Defendant Tyrrell L. Garth's Original Answer;
- Exhibit H - State Court's Docket Sheet; and
- Exhibit I – List of All Counsel of Record.

9. Pursuant to 28 U.S.C. § 1452(a) and 28 U.S.C. §1446(a), Defendant removes this matter to the Houston Division of the Southern District of Texas United States District Court because it is the district within which Plaintiff's lawsuit is pending.

10. Pursuant to 28 U.S.C. §1446(d), Defendant will provide written notice to Plaintiff and will file a copy of this Notice of Removal with the clerk in the State Court Action.

V. REQUEST FOR RELIEF

WHEREFORE, Defendant Tyrrell L. Garth respectfully request that the above-entitled action be removed from the 11th Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division, and for such additional and alternative relief to which it may be entitled.

Respectfully submitted,

MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.

By: /s/ James M. Cleary, Jr.

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been forwarded via email pursuant to Fed. R. Civ. P. 5 on July 25, 2024 to:

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